



Hendry County Sheriff's Office

General Order 19.2

TITLE: Warrant Process Procedures	SHERIFF'S APPROVAL: Digital
ORIGINATION DATE: July 11, 2018	REVISION DATE: May 23, 2019
RELATED REFERENCES: §941.02, F.S., §941.14, F.S. CFA: 26.06M	
REVIEW FREQUENCY: 3 YEARS	DATE OF NEXT REVIEW: May 23, 2022

I. PURPOSE: The purpose of this order is to establish procedures for handling an active warrant.

II. SCOPE: This order shall apply to all sheriffs' office members.

III. POLICY: HCSO will attempt service of arrest warrants in a timely and efficient manner. For verification purposes, Communications will operate 24 hours daily. Only sworn law enforcement officers will arrest on active warrants and such arrests will be done in an expedient manner. HCSO maintains complete and comprehensive warrants and order for protection records consistent with state and federal administrative procedures and applicable law.

IV. PROCEDURE:

The Warrant Clerk will be responsible for the maintenance, verification, distribution, and update of all warrant and injunction related records.

A. Warrants Receipt, Storage and Return

1. Receipt

- a.** Original warrants issued by Hendry County Courts will be filed in numerical order in the Corrections Division Warrant room. The Warrant Clerk will date, time stamp, and review each document received to ensure the warrant contains the signature of a judge or deputy clerk with seal affixed, charge(s), warrant or docket number, bond amount, and proper information as to the defendant's name, race, sex and date of birth.
- b.** All Temporary and After Notice Injunctions for Protection will be sent to the Warrant Clerk by the Clerk of the Court.
- c.** Deputy work sheets and copies of warrants, photographs and local histories are provided by scanning into the local Records Management System for access to all HCSO employees with access.

- d.** HCSO Telecommunications will only confirm warrants after visual inspection by Corrections Deputy. Questions pertaining to the validity of warrants issued in Hendry County will be resolved by inquiry to the Office of the Clerk of the Court or the State Attorney's Office that maintains the court files.
- e.** Injunctions for Protection will follow the same procedure as felony warrants and will be processed within 24 hours of receipt by the Warrant Clerk and will be stored electronically in local RMS System.
- f.** The Warrant Clerk may receive copies of criminal process sent from other agencies in state and out of state. The criteria for receiving information from other jurisdictions includes: Entry into FCIC / NCIC ensuring the criminal process contains the signature of a judge or deputy clerk with seal affixed, charge(s), warrant or docket number, bond amount, and proper information as to the defendant's name, race, sex, and date of birth. The criminal process will be reconfirmed before arrest.

B. Computer Entry

1. Criteria required for entering information into regional, state, and federal information systems:
 - a.** All criminal process (arrest warrant, injunction for protection, juvenile OTTIC, etc.) must be court ordered and issued by a Hendry County Court.
 - b.** Criminal process must be for service in Hendry County.
2. Criteria required for canceling / removing an FCIC / NCIC entry from regional, state, and federal information systems:
 - a.** Criminal process is executed / served.
 - b.** Wanted subject is deceased.
 - c.** Any court order recalling the criminal process (e.g., Order of Dismissal, Nolle Prosequi, etc.)
3. Sheriff's Computer System (CTS America RMS)
 - a.** All warrants received by the Hendry County Sheriff's Office will be entered into RMS, utilizing the information obtained from the original warrant, RMS system and other resources. All warrants will be entered into FCIC / NCIC. Warrants are processed by order of date received. Special conditions may arise that will cause warrants of a specific nature or circumstance to take a priority.
 - b.** Warrant entries are cross-referenced and may be retrieved by warrant number and defendant's name.
 - c.** Warrant information is available to all agency components and all agencies having access to the Sheriff's Records Management System.
4. State and National Computer System (FCIC / NCIC)

- a.** All warrants, injunctions for protection served and unserved, and juvenile custody orders will be entered into FCIC / NCIC. (If required information is available)
- b.** Any agency having access to the state computer system can retrieve this information. Before effecting an arrest on a Hendry County Warrant, agency personnel will verify the validity of the warrant with the Corrections Deputy. HCSO Telecommunications will not verify the warrant until the actual hard copy of the warrant is located. Any discrepancies as to the validity of the warrant will be resolved with the Clerk of the Court which houses court records and is the final authority.
- c.** The determination as to whether a defendant will be extradited to Hendry County and the warrant entered into the NCIC system (including extradition limitations) is made by the State Attorney's Office.
- d.** Extradition limitations, if noted, are in the remarks field of the computer entry.
- e.** When a juvenile is arrested out of state on an Order to Take Into Custody, the State Attorney's office will determine if the juvenile is to be returned to Hendry County.
- f.** Warrants from other jurisdictions will be confirmed with the agency via FCIC / NCIC.

C. Entry Cancellation

- 1. Upon notification that a Hendry County warrant has been executed / served, regardless of the location of the arrest, Warrant Clerk personnel will remove (or verify removal) associated entries from FCIC / NCIC and update the Records Management System.
- 2. Upon notification by the issuing authority, the Warrant clerk personnel will recall the warrant. The original warrant will be returned to the Clerk of the Court or issuing jurisdiction in an expedient manner.

D. Service of Local Warrants

- 1. Prior to service, the arresting deputy will verify the validity of the warrant and obtain a sufficient description to ensure that the proper person is arrested.
 - a.** If an exact match does not exist, HCSO Telecommunications will use due diligence of the available information and request further descriptive details (social security number, physical description, last known address, etc.) to verify match
- 2. HCSO Telecommunications will immediately notify the jail personnel by forwarding the hit request to Mnemonic S26000002 or ORI FL0260001 when a "Hit request" is received on a person.
- 3. A Corrections Deputy will confirm the existence of warrants when requested by law enforcement agencies or Communications.
 - a.** Confirmation will include the following information from the warrant and will be available 24 hours a day.

(1) Full Name and AKA if necessary or if known

(2) Date of Birth

- (3) Race / Sex
- (4) Physical Description
- (5) Charge and Bond
- (6) Warrant Case Number or Numbers
- 4. HCSO Telecommunications will check the electronic warrant file to ensure that the warrant is still outstanding paying close attention to:
 - a.** Person (F2) CIC sections and Attachments (Ctrl + F4)
 - b.** Prior hit confirmations, detainers, locates, and administrative messages
- 5. HCSO Telecommunications will only confirm warrants after visual inspection by a Corrections Deputy.
 - a.** A Corrections Deputy will immediately (no longer than 8 minutes) check the warrant file for the original warrant
 - b.** A Corrections Deputy will check the warrant file to ensure that the warrant is still outstanding from documents in the warrant file
 - c.** After confirmation HCSO Telecommunications will place a detainer after the locate has been received or placed.
- 6. HCSO Telecommunications and warrant clerk personnel will make entries to the Records Management System. Entries will reflect cancellation of entry and will state arresting official's agency and I.D.
- 7. Arresting Officer or Corrections Deputy, upon the arrest of a juvenile on an Order to Take Into Custody, will fax a copy to the DJJ - Juvenile Assessment Center.
- 8. Warrant Clerk personnel responsibilities
 - a.** Each working day warrants will remove records in FCIC / NCIC that have been recovered and are in the custody of the HCSO Jail, have correctly bonded, and juveniles that we have received booking reports in reference to applicable charge (fugitive for justice does not count).
- 9. Questions pertaining to the validity of warrants will be resolved by inquiry to the Office of the Clerk of the Court or State Attorney's Office which maintains the court files

E. Service of Foreign Warrants

- 1. Warrants from other Florida jurisdictions
 - a.** A "hold" should be placed on the arrestee for other Florida jurisdictions until disposition of local charges, or until the defendant is to be released from custody. The foreign warrant will then be served.

- b.** An arrestee on a foreign warrant; the Warrant Clerk personnel will notify the entering agency that the suspect is in custody and date the suspect can be picked up. The charge is Fugitive from Justice, Florida Statutes 941.14. Out of County warrants are served/executed in the county of issue.
- 2. Warrants from out of state jurisdictions.
 - a.** Arrests for warrants from other states will not be made if there are also pending charges from other Florida jurisdictions. A “hold” should be placed for the out of state charge(s).
 - b.** When a wanted person is arrested on an out of state warrant, the charge is Fugitive from Justice, Florida Statutes 941.02. Out of State warrants are served/executed in the state of issue.
- 3. Defendants apprehended who have federal warrants will be detained and the US Marshal’s Service notified.
- 4. An arrest resulting from a foreign warrant will be made only after the issuing authority has verified the warrant via the FCIC / NCIC System.
- 5. No arrest will be made pursuant to teletype request unless the teletype contains assurance of the validity and existence of a warrant, the name and description of the person to be taken into custody, the charge, and the bond amount. In the event that the teletype is not operational, a faxed copy of the assurance of the validity and existence of the warrant can be accepted.
- 6. HCSO Telecommunications will obtain confirmation of warrants from other agencies entered into FCIC / NCIC. Confirmation consists of:
 - a.** Full name of the person to be arrested
 - b.** Race, sex, date of birth, and physical description
 - c.** Charge (s) and bond amount
 - d.** Name of requesting agency
 - e.** Requesting agency’s telephone number and name of contact person
 - f.** Where and when the warrant was issued
 - g.** Authority who signed or issued warrant
 - h.** Confirming pickup or extradition
- 7. HCSO Telecommunications will forward a copy of the original query and confirmation, via message retrieval on the FCIC system to the Hendry County Jail. If the confirming agency’s warrant is in the Records Management system, warrant Clerk personnel will serve and update as required. The arresting officer or booking officer will attach the confirmation to the electronic arrest file. The original hardcopy teletypes will be placed in the designated tray in the booking office for extradition personnel to continue with follow – up on the next business day.
- 8. Service of Hendry County Warrants by Foreign Jurisdiction

- a.** Warrant Clerk personnel will confirm only documented information. Confirmation will include: name, date of birth, race, sex, charge, bond amount, warrant number, and any other identifiers to assist in positively identifying the suspect to be arrested. When confirmation is obtained, the Warrant Clerk Personnel will:
- (1) Request a “hold” be placed on the suspect and make arrangements for extradition or transportation of the suspect to Hendry County as appropriate.
 - (2) Personnel confirming warrants and placing holds will note in the warrants file and update the Sheriff’s Records Management system with the location where the suspect is in custody.
 - (3) Remove the warrant entry from FCIC / NCIC in accordance with FDLE regulations
- b.** When suspects are released from other jurisdictions by posting bond on Hendry County charge (s), on duty Warrant Clerk personnel will ask for the suspect’s current address, the name of the bonding agency, power number and the dates the suspect was arrested and released on bond. Warrant Clerk personnel will update the CTS RMS entry with all the requested information and attach the same information on the warrant itself to reflect the out of county arrest and release. The warrant will then be returned to the Office of the Clerk of the Court.
- c.** Service of Questionable Warrants
- (1) In cases where a suspect insists that the charges contained in a warrant have been answered, the officer should attempt to verify the status of the charges. If the suspect can produce documentation satisfying the charges, the deputy should investigate the suspect’s claim further. The final authority as to the validity of a warrant is the Office of the Clerk of the Court or State Attorney’s Office.
 - (2) Deputies must use discretion and good judgment in serving questionable warrants, both in verifying the suspect as being the person specified in the warrant, and in determining the status of the charges.
 - (3) If the arresting deputy cannot make a positive determination after making a diligent effort to verify the status of the warrant or the identity of the suspect, the warrant will not be executed until further investigation is conducted. Warrant Clerk personnel should be made aware of situations when a suspect’s identity or charges cannot be confirmed. Warrant Clerk personnel will update the CTS RMS system remarks and file, inactivate system entry and give the file to a supervisor for follow up.
- d.** Prioritization of Warrants
- (1) Arrest warrants will be prioritized as follows:
 - a. The service of warrants which may prevent the death or injury to law enforcement, the public, witnesses, or victims.
 - b. The service of warrants for the arrest of capital or life felons and grand jury indictments.
 - c. Felony and juvenile warrants.
 - d. Misdemeanor and traffic warrants.

F. Releasing warrant information outside the Agency

1. Other law enforcement officer or agency

a. Obtain the name and ID of requestor.

b. The agency name and their phone number.

2. Bonding Companies

a. Will receive information as applicable for clients

3. Citizens

a. Citizens will only receive information on misdemeanor or county ordinance violations.

V. GLOSSARY:

ARREST WARRANT OR ORDER OF ARREST – Order directing the arrest of a defendant signed by a circuit or county court judge. The requesting agency is responsible for obtaining a case number from the Clerk of the Court's Office and the only exception would be on weekends and nights.

BOND – A monetary amount affixed to some warrants by the issuing authority indicating the amount that can be given to the courts in case or through a bonding agency to secure release from jail.

CAPIAS – Arrest document or writ issued by the Clerk of the Court based on information filed by the State Attorney.

CRIMINAL PROCESS – Orders directed to any Sheriff, Special Agent of the Florida Department of Law Enforcement, and State Attorney's investigator to apprehend and bring an individual before the court to answer to charges.

EXTRADITION – The process used to hold and return a suspect for pending charges in this jurisdiction or out of state jurisdiction. This process does require a Governor's Warrant or a Waiver of Extradition.

FCIC/NCIC – Florida Crime Information Center and National Crime Information Center, respectively.

FOREIGN PROCESS – All process issued outside of the State of Florida and Hendry County.

HIT REQUEST – Refers to a positive response/possible warrant-wants resulting from an FCIC/NCIC, or local inquiry.

RECALL – A cancellation notice via phone or written order from the courts advising that the warrant/Capias is no longer active.

WAIVER OF EXTRADITION – A document signed by a suspect being held for another state advising the holding state that he/she is willing to be returned to the demanding state. The waiver is signed in open court and counter signed by the judge. There can be pre-signed waivers in which a suspect, for the most part, who is on parole or probation has previously signed, which are honored by our courts.

WARRANT – A judge’s order directing the arrest of a defendant.

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